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11 August 1960

MEMORANDUM FOR: Assistant Director, Central Reference

SUBJECT : Draft Number 8, DCID 11/2 Revision

1. The draft as written would in my opinion drastically limit the intelligence information which can be used in finished intelligence reports and studies that are disseminated outside the USIB Community to other governmental agencies and to certain foreign governments in the interest of national defense and in accordance with stated policy.
2. The procedure for using classified information contained in another agency's reports in finished intelligence was established or affirmed by the DCID 11/2 presently in effect. In general this provides that when information is taken from classified reports with no special markings and is included in finished intelligence studies without reference to its origin, the information is no longer considered under control of the originator of the report. If a report contains a special marking restricting dissemination of the information the same restriction is carried over to the finished intelligence study or specific permission to do otherwise is obtained from the originator of the report.
3. The present draft does not state positively the above procedure and I think it should. In paragraph 4 I. c. of the draft, information in a document with the special marking "Controlled Dissemination" may be used in finished intelligence provided certain conditions are met. Specific permission from the originator is NOT required. It goes without saying that a classified document without any special marking or limitation over and above the security classification could be "used" in the same way. It must be understood that the finished intelligence study is classified for security purposes on its own merits in accordance with Agency Security Regulations (based on E.O. 10501) and specially marked if appropriate in accordance with DCID 11/2 and any other applicable directives.

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4. The reason for this DCID, as stated in Draft No. 8, is to provide "protection of intelligence sources and methods" and to provide for standardization of use by all USIB agencies.
5. The "protection" is such as to further restrict the dissemination of documents and to prevent the use of intelligence information in finished intelligence reports and studies which are to be disseminated outside the USIB Community. The basic restriction for the dissemination of classified documents is provided for in E.O. 10541, Section 7, which states that "Classified defense information shall not be disseminated outside the receiving agency without consent of the originating agency." The Presidential Directive covering the policy and procedures for the release of intelligence to foreign governments also reflects this principle in providing that "classified defense information shall not be released to a foreign government without the consent of the originating agency." The draft recognizes the "consent" given by each USIB member to disclose its information to each other's staffs unless the original dissemination was specifically limited.
6. The Section 4 I. Dissemination within the U.S. Government recognized the principle of "protection" and provides for certain dissemination limits for each special marking. This section is acceptable providing it is clear as to what can be done with a document which does not bear a special marking.
7. The Section 4 II. Dissemination to Foreign Governments recognizes the principle of "protection" and provides for certain dissemination limits for each special marking. It also, however, established a procedure in which originators of documents or information must give prior consent for the dissemination of their reports or the information to a foreign government. This procedure would require hundreds of originators to make decisions on thousands of reports whom experience shows that actual requests for the release of another agency's report to foreign governments are rare. (OCR receives less than 1 request per month.) In the event such decisions were not made, or if a large majority of the decisions which were made would not allow the use of the information in reports which were to be released to certain foreign governments, one of two things will occur: (1) The time and manpower required to obtain consent to use the information in a report to be released would be exorbitant or, (2) The information would not be used. Why can't "NOFORN" be

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another special marking which means that the information in a report so marked when used in finished intelligence means that the finished intelligence report or study must be marked "NOFORN" unless permission to the contrary is obtained from the originator in each specific case? Such a marking should of course be used on a report only when the information if used in finished intelligence would reveal sources or methods of collection. The Presidential Directive on release to foreign governments states that "It is essential to the defense interest of the United States that this government closely cooperate with certain foreign governments to the extent of furnishing classified defense information to such governments." The provisions in Draft No. 8 would require, for example, DIA to check out with the originators [redacted] every report not specifically marked [redacted]

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[redacted] This in my opinion would be completely impractical.

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Chief, Document Division

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